

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE ENROLLED ACT No. 28

AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 33-5-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. **(a) Except as provided in subsection (b),** terms and powers described in this chapter apply to superior courts except as otherwise provided in the particular statute creating the superior court for a particular county.

(b) Section 7 of this chapter applies to all superior courts.

SECTION 2. IC 33-5-3.5-7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. **To be eligible to hold office as a judge of a superior court, a person must be a resident of the judicial circuit that the judge serves.**

SECTION 3. IC 33-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. **(a)** The court shall consist of one (1) judge, to be elected by the legal voters of said county for the term of six (6) years, beginning on the first day of January following his election, and until his successor shall be elected and qualified. The election shall be had at the time of the general election every six (6) years. Said judge shall be commissioned by the governor in the same

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manner as judges of the circuit court; and all vacancies occurring in the office of judge of such probate court shall be filled by appointment by the governor, in the same manner as vacancies in the office of judge of the circuit court.

(b) To be eligible to hold office as a judge of the court, a person must be a resident of St. Joseph County.

SECTION 4. IC 33-10.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. To be eligible to serve as a county court judge, a person must:

(1) meet the qualifications prescribed by IC 3-8-1-18; and

(2) be a resident of the county that the county court judge serves.

SECTION 5. IC 33-14-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. To be eligible to hold office as a prosecuting attorney, a person must be a resident of the judicial circuit that the person serves.**

SECTION 6. [EFFECTIVE JULY 1, 1999] **A judge of a superior, probate, or county court on the effective date of this SECTION is exempt from a residency requirement imposed by IC 33-5-3.5-7, IC 33-8-2-3, or IC 33-10.5-4-1, all as amended by this act, during the remainder of the judge's current term of office.**

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